

**REMARKS****INTRODUCTION:**

In accordance with the foregoing, the claims have been retained in their present form. No new matter is being presented, and approval and entry are respectfully requested.

Claims 1, 3-12, and 14-27 are pending and under consideration. Reconsideration is respectfully requested.

**REJECTION UNDER 35 U.S.C. §103:**

A. In the Office Action, at page 2-6, numbered paragraph 3, claims 1-3, 12-14 and 27 were rejected under 35 U.S.C. §103(a) as being unpatentable over Yasue (USPN 6,289,345; hereafter, Yasue) in view of Nickum (WO 01/15014 A2; hereafter, Nickum) and further in view of Tripp et al. (USPN 6,516,337; hereafter, Tripp). The reasons for the rejection are set forth in the Office Action and therefore not repeated. The rejection is traversed and reconsideration is requested.

Claims 2 and 13 were cancelled in the previous Office Action.

It is respectfully submitted that the Examiner has admitted that Yasue does not show using an idle time of the web servers and that Yasue and Nickum do not show posting a web server information is registered into an index server. The Examiner submits that Nickum shows updating site abstract information during an idle time of a server and that Tripp verifies and updates a site index.

Tripp teaches a search engine that utilizes a bottom-up approach to index the content of a network instead of relying on a top-down approach. Tripp, however, does not teach or suggest an index server having an ontological restructuring unit to restructure a consistency of an ontology of a hierarchical structure.

Although the Examiner submits that Yasue, col. 5, lines 1-26 and col. 5, line 65 through col. 6, line 12, together with FIGs. 2 and 4, teaches an ontological restructuring unit to restructure a consistency of an ontology of a hierarchical structure, Applicants respectfully disagree. Yasue merely lists the component constitution information and places information in the common component information master table, the user authority master table and the model data storage destination master table. However, Yasue does not teach or suggest restructuring a consistency of an ontology of a hierarchical structure. The terminology "restructure," according to the Encarta® World English Dictionary, North American Edition, on the Internet, refers to "change something's basic structure: to change the way in which something is organized or

arranged.” Yasue simply records information in a metadatabase of a metasever, but does not restructure a consistency of an ontology of a hierarchical structure.

Hence, neither Yasue nor Nickum nor Tripp teaches or suggests an index server comprising an ontological restructuring unit to restructure a consistency of an ontology of a hierarchical structure, as is recited in independent claim 1, and similarly in independent claims 12 and 27, of the present invention. It is respectfully submitted that restructuring is a significant difference between the cited art and the present invention.

It is respectfully submitted that the Examiner appears to be using hindsight and seeking various elements of the present claimed invention in a plurality of references. In Ruiz and Foundation v. A.B. Chance Company, 69 USPQ2d 1690 (CAFC January 29, 2004), the court held:

In making the assessment of differences, section 103 specifically requires consideration of the claimed invention “as a whole.” Inventions typically are new combinations of existing principles or features. Envtl. Designs, Ltd. v. Union Oil Co., 713 F.2d 693, 698 (Fed. Cir. 1983) (noting that “virtually all [inventions] are combinations of old elements.”). The “as a whole” instruction in title 35 prevents evaluation of the invention part by part. Without this important requirement, an obviousness assessment might break an invention into its component parts (A + B + C), then find a prior art reference containing A, another containing B, and another containing C, and on that basis alone declare the invention obvious. This form of hindsight reasoning, using the invention as a roadmap to find its prior art components, would discount the value of combining various existing features or principles in a new way to achieve a new result – often the very definition of invention.

Section 103 precludes this hindsight discounting of the value of new combinations by requiring assessment of the invention as a whole. This court has provided further assurance of an “as a whole” assessment of the invention under § 103 by requiring a showing that an artisan of ordinary skill in the art at the time of invention, confronted by the same problems as the inventor and with no knowledge of the claimed invention, would select the various elements from the prior art and combine them in the claimed manner. In other words, the examiner or court must show some suggestion or motivation, before the invention itself, to make the new combination. See In re Rouffet, 149 F.3d 1350, 1355-56 (Fed. Cir. 1998).

However, in the present case, none of the cited references teach or suggest restructuring a consistency of an ontology of a hierarchical structure. Thus, independent claims 1, 12, and 27 are submitted to be patentable under 35 U.S.C. §103(a) over Yasue (USPN 6,289,345) in view of Nickum (WO 01/15014 A2) and further in view of Tripp et al. (USPN 6,516,33), alone or in combination.

Since claims 3 and 14 depend from independent claims 1 and 12, respectively, claims 3 and 14 are patentable under 35 U.S.C. §103(a) over Yasue (USPN 6,289,345) in view of Nickum (WO 01/15014 A2) and further in view of Tripp et al. (USPN 6,516,33), alone or in combination for at least the reasons that independent claims 1 and 12 are patentable under 35 U.S.C.

§103(a) over Yasue (USPN 6,289,345) in view of Nickum (WO 01/15014 A2) and further in view of Tripp et al. (USPN 6,516,33), alone or in combination.

B. In the Office Action, at page 6-12, numbered paragraph 4, claims 1-3, 5-14, 16-22 and 27 were rejected under 35 U.S.C. §103(a) as being unpatentable over Hazama et al. (USPN 6,539,399; hereafter, Hazama) in view of Nickum (WO 01/15014 A2; hereafter, Nickum). The reasons for the rejection are set forth in the Office Action and therefore not repeated. The rejection is traversed and reconsideration is requested.

Claims 2 and 13 were cancelled in the previous Office Action.

The Examiner admits that Hazama does not show using an idle time of the web server. It is respectfully submitted that Hazama also does not teach or suggest an index server comprising an ontological restructuring unit to restructure a consistency of an ontology of a hierarchical structure, as is recited in independent claim 1, and similarly in independent claims 12 and 27, of the present invention. Hazama merely updates a virtual folder hierarchy, and does not restructure a consistency of an ontology of a hierarchical structure. The terminology "restructure," according to the Encarta® World English Dictionary, North American Edition, on the Internet, refers to "change something's basic structure: to change the way in which something is organized or arranged." In contrast, the terminology "update," according to the Encarta® World English Dictionary, North American Edition, on the Internet, refers to "provide new information: to provide somebody or something with the most recent information or with more recent information than was previously available." Hence, Hamaza's "updating" is not the same action as the "restructuring" which is accomplished by the present claimed invention.

Thus, neither Hazama nor Nickum teaches or suggests restructuring a consistency of an ontology of a hierarchical structure, as is recited in independent claims 1, 12 and 27 of the present invention. Thus, independent claims 1, 12, and 27 are submitted to be patentable under 35 U.S.C. §103(a) over Hazama et al. (USPN 6,539,399) in view of Nickum (WO 01/15014 A2), alone or in combination.

Since claims 3, 14, and 16-22 depend from independent claims 1 and 12, respectively, claims 3, 14, and 16-22 are patentable under 35 U.S.C. §103(a) over Hazama et al. (USPN 6,539,399) in view of Nickum (WO 01/15014 A2), alone or in combination, for at least the reasons that independent claims 1 and 12 are patentable under 35 U.S.C. §103(a) over Yasue (USPN 6,289,345) in view of Nickum (WO 01/15014 A2), alone or in combination.

C. In the Office Action, at page 12-14, numbered paragraph 5, claim 23 was rejected under 35 U.S.C. §103(a) as being unpatentable over Yasue (USPN 6,289,345; hereafter, Yasue) in view of Govindarajan et al. (USPN 6,208,659; hereafter, Govindarajan) and further in view of

Tripp. The reasons for the rejection are set forth in the Office Action and therefore not repeated. The rejection is traversed and reconsideration is requested.

Claim 23 recites an index server operation of using an ontological restructuring unit to restructure a consistency of an ontology of a hierarchical structure.

As noted above, Yasue does not teach or suggest an index server operation of using an ontological restructuring unit to restructure a consistency of an ontology of a hierarchical structure. Govindarajan also fails to teach or suggest an index server operation of using an ontological restructuring unit to restructure a consistency of an ontology of a hierarchical structure.

Tripp teaches a search engine that utilizes a bottom-up approach to index the content of a network instead of relying on a top-down approach. Tripp, however, does not teach or suggest an index server having an ontological restructuring unit to restructure a consistency of an ontology of a hierarchical structure.

Hence, neither Yasue nor Govindarajan nor Tripp teaches or suggests an index server comprising an ontological restructuring unit to restructure a consistency of an ontology of a hierarchical structure, as is recited in independent claim 23 of the present invention.

Hence, it is respectfully submitted that independent claim 23 is patentable under 35 U.S.C. §103(a) as being unpatentable over Yasue (USPN 6,289,345) in view of Govindarajan et al. (USPN 6,208,659) and further in view of Tripp, alone or in combination.

D. In the Office Action, at page 15-17, numbered paragraph 6, claim 24 was rejected under 35 U.S.C. §103(a) as being unpatentable over Yasue (USPN 6,289,345; hereafter, Yasue) in view of Tanaka (USPN 5,732,264; hereafter, Tanaka) and further in view of Tripp et al. (USPN 6,516,337; hereafter, Tripp). The reasons for the rejection are set forth in the Office Action and therefore not repeated. The rejection is traversed and reconsideration is requested.

The Examiner admits that Yasue is silent as to how the system handles the data when there is no suitable drawing number given, that Yasue does not show generating a drawing number from a drawing number or an abstract in a higher-order system if no drawing number exists, and that Yasue and Tanaka do not show posting a web server information is registered into an index server. The Examiner submits that Tanaka discloses generating a drawing number from a drawing number or an abstract in a higher-order system and that Tripp discloses updating an index or catalog of object references for data distributed within a network.

Tanaka teaches an information management system and method for managing processing storing and displaying attribute information of object information wherein the attribute

information of the object information is made and stored in the management information database when the object information is made and processed at the information processing area, so that the object information is accessed by using the attribute information stored in the management information database.

However, it is respectfully submitted that neither Yasue (see above) nor Tanaka nor Tripp (see above) teaches or suggests an index server operation of using an ontological restructuring unit to restructure a consistency of an ontology of a hierarchical structure, as is recited in independent claim 24 of the present invention.

Thus, it is respectfully submitted that independent claim 24 of the present invention is patentable under 35 U.S.C. §103(a) as being unpatentable over Yasue (USPN 6,289,345) in view of Tanaka (USPN 5,732,264) and further in view of Tripp et al. (USPN 6,516,337), alone or in combination.

E. In the Office Action, at pages 17-18, numbered paragraph 7, claim 25 was rejected under 35 U.S.C. §103(a) as being unpatentable over Yasue (USPN 6,289,345; hereafter, Yasue) in view of Nickum (WO 01/15014 A2; hereafter, Nickum) and further in view of Tanaka (USPN 5,732,264; hereafter, Tanaka) and Tripp et al. (USPN 6,516,337; hereafter, Tripp) and in further view of Yuen (USPN 5,423,033; hereafter, Yuen). The reasons for the rejection are set forth in the Office Action and therefore not repeated. The rejection is traversed and reconsideration is requested.

It should be noted that the Examiner has recited 5 references. This appears to be an attempt at hindsight reconstruction of the present invention using a plurality of previous inventions, which is not permitted. As noted above, using the invention as a roadmap to find its prior art components is not acceptable to the courts.

The Examiner admits that Yasue, Nickum and Tanaka do not show selecting reports from a menu of the drawing number system. However, the Examiner submits that Yuen discloses a report generation system and method generating a secondary report containing detailed information concerning a specific data element of a primary report, wherein to generate the secondary report, the user first selects a data element on the on-screen primary report using either a mouse or a keyboard, activates a command by either selecting from a menu, typing a command keystroke, or clicking the mouse.

It is respectfully submitted that Yuen does not teach or suggest an index server operation of using an ontological restructuring unit to restructure a consistency of an ontology of a hierarchical structure, as is recited in independent claim 24 of the present invention.

As noted above, neither Yasue, Nickum, Tanaka nor Tripp teaches or suggests an index server operation of using an ontological restructuring unit to restructure a consistency of an ontology of a hierarchical structure, as is recited in independent claim 24 of the present invention.

Thus, it is respectfully submitted that claim 24 of the present invention is patentable under 35 U.S.C. §103(a) over Yasue (USPN 6,289,345) in view of Nickum (WO 01/15014 A2) and further in view of Tanaka (USPN 5,732,264) and Tripp et al. (USPN 6,516,337) and in further view of Yuen (USPN 5,423,033), alone or in combination.

Claim 25 depends from claim 24, and thus incorporates all of the features of claim 24. Hence, claim 25 is patentable under 35 U.S.C. §103(a) over Yasue (USPN 6,289,345) in view of Nickum (WO 01/15014 A2) and further in view of Tanaka (USPN 5,732,264) and Tripp et al. (USPN 6,516,337) and in further view of Yuen (USPN 5,423,033), alone or in combination, for at least the reasons that claim 24 is patentable under 35 U.S.C. §103(a) over Yasue (USPN 6,289,345) in view of Nickum (WO 01/15014 A2) and further in view of Tanaka (USPN 5,732,264) and Tripp et al. (USPN 6,516,337) and in further view of Yuen (USPN 5,423,033), alone or in combination.

#### **CONCLUSION:**

In accordance with the foregoing, it is respectfully submitted that all outstanding objections and rejections have been overcome and/or rendered moot, and further, that all pending claims patentably distinguish over the prior art. Thus, there being no further outstanding objections or rejections, the application is submitted as being in condition for allowance which action is earnestly solicited.

If the Examiner has any remaining issues to be addressed, it is believed that prosecution can be expedited by the Examiner contacting the undersigned attorney for a telephone interview to discuss resolution of such issues.

If there are any underpayments or overpayments of fees associated with the filing of this Amendment, please charge and/or credit the same to our Deposit Account No. 19-3935.

Respectfully submitted,

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